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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/630,945	08/03/2000	Juha Rinne	460-009575-US(PAR)	9273

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EXAMINER

TRINH, TAN H

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 01/29/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/630,945

Applicant(s)

RINNE ET AL.

Examiner

TAN TRINH

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4, 7, 13 and 15 is/are allowed.
- 6) ☒ Claim(s) 5, 6, 8-12 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Allowable Subject Matter

1. Claims 1-4, 7, 13 and 15 are allowed.

Reasons for allowance

2. The following is a statement of reasons for the indication of allowable subject matter:

Regarding independent claims 1, 7 and 15, the prior art of record fail to disclose or render obvious the claimed invention for the reasons as stated in applicant's response filed on 9-23-2003, pages 2-5.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-6, 8, 10-12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eichinger (U.S. Patent No. 6,370,374) in view of Ogasawara (U.S. Pub. No.20020016740).

Regarding to claims 5 and 10 Eichinger teaches a method for transmitting user identification data to a wireless communication device (see fig. 1, mobile radio) in which method the user data are stored in the identification module (see fig. 1, SIM card), wherein in connection and communication directly between the wireless communication device (see figs.1, and 2). The user data stored in the identification module are examined to find out the access rights of the user of the wireless communication device, wherein the user identification data are transmitted from

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the identification module to the wireless communication device (see figs. 1, 2 and 3, col. 4, lines 38-60).

Regarding on the newly added limitation in claims 5 and 10, Eichinger further teaches where the user data is checked in the wireless communication device to determine if the user has access rights to the wireless communication device (see col. 4 lines 32-60)

But Eichinger fails to show the data transmitted from the identification module to the wireless communication device is in a wireless manner.

However, Ogasawara teaches the wireless identification customer ID card or smart card. The customer ID card suitably comprises a personal memory card or data card which looks and feels much like an ordinary credit card and which is able to transmit and receive information in wireless manner (see fig. 7, ID card 10 and pages 4-5 session [0038-0040]).

Therefore it would have been obvious to one of the ordinary skill in the art at the time invention was made to modify Eichinger system's SIM card and the teaching of Ogasawara with the wireless customer ID card thereto in order to provide user with the convenience to use the wireless SIM cards.

Regarding to claim 6, Eichinger teaches wherein the user data stored in the identification module (SIM) are used in connection with at least a first and a second wireless communication device to find out the access rights of the user (see figs. 1, 2 and 3, and col. 7 lines 13-55).

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Regarding to claim 8, Eichinger teaches the user data identification module (see fig. 1, SIM card), for transmitting user data comprise the transmitter and the receiver for transmitting and receiving low power radio frequency signals (see page 6, section [0050] lines 20-24).

Regarding to claim 11, Eichinger teaches the wireless communication device (see fig. 1, mobile radio) it is a GSM mobile station (see col. 1, lines 14-17).

Regarding to claim 12, Eichinger teaches the wireless communication device (see fig. 1, mobile radio) setting the access rights for the wireless communication device, wherein the access rights for the wireless communication device are arranged to be limited (see col. 5 lines 42-63), if the user data are not received from the identification module (see fig. 1, SIM card) in the wireless communication device.

Regarding claim 14, Eichinger teaches the user data identification module is operative with the SIM card (see fig. 1, mobile radio with the SIM card and fig. 2)

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eichinger (U.S. Patent No. 6,370,374) in view of Ogasawara (U.S. Pub. No.20020016740) Further in view of Hayek (U.S. Patent No. 6,224,254).

Regarding to claim 9, Eichinger teaches the user data identification module (see fig. 1, SIM card), it is arranged to be portable with the user. But Eichinger or Ogasawara fails to show

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the user data identification module that is arranged to be portable with the user preferably to be attached to the wrist.

However, Hayek teaches a radio telephone watch with a SIM card allowing access to mobile communication system and allowing access to data stored in SIM card that it is arranged to be portable with the user preferably to be attached to the wristwatch (see figs. 1 and 2 A-B, and abstract lines 1-13).

Therefore, it would have been obvious to one ordinary skill in the art at the time invention was made to modified Eichinger and Ogasawara systems by providing the teaching of Hayek with a wristwatch mounting technique thereto in order to provide user with convenience to access when in sport.

Response to Arguments

6. Applicant's arguments filed 12-15-2003 have been fully considered but they are not persuasive.

Response to Arguments

Applicant's arguments the reference is not teach the identification information on the starting up on the access right of the wireless communication device. However the examiner does not agree. Since the reference of Eichinger teaches the access right (see col. 4, lines 39-44).

Therefore the rejection of claims 5 and 10 are read on the access right of Eichinger.

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Conclusion

7. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for Technology Center 2600 only)

*Hand-delivered responses should be brought to Crystal Park II,
2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).*

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Trinh whose telephone number is (703) 305-5622. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung, can be reached at (703) 308-7745.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.

Tan H. Trinh
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Jan. 20, 2003

